pc

C.F. 71

19

Department of

OFFICE Embassy de Hollande

STATION Paris

No. 2013

Dated

Pages in the file

(SUBJECT.)

C.F. 32.

In reply, please quote number, date and short title.*

Revenue DEPARTMENT.

F 1700

Received *Registered*

From (Name) J.W. Pritchard Esq., I.C.S.,

(Designation) Collector

Post Box , (Station) Bellary

Telegraphic Address

The Secretary to the Board of Revenue,

Madras.

Ref. *No.* 4809/36 A-1, *dated* 4th April 19 38

Sir,

*

ENCLOSURES

SPARE COPIES

Advances - Loans - (Bellary) Bellary taluk- Kappagal Erappa - insolvency - sale of properties by Official Receiver, Bellary - set aside by the District Judge, Bellary - refund of sale proceeds - sanction.

Ref: i) Board's Endt. F.No. 3923/36 dqted 29-9-1936.
ii) B.P. Mis. 474 dated 8-2-1937.
iii) B.P. Rt. No. 5169 dated 5-11-1937.

The District Judge, Bellary delivered orders on 24-11-1937 on the interlocutary application by Government, setting aside the sale of lands of Kappagal Erappa by the Official Receiver, Bellary on 10-10-1931. A sum of Rs. 631-4-0, being portion of sale proceeds was paid by the Official Receiver towards the Takkavi arrears of Kappagal Erappa and the amount was credited to loans dues in L I L O 180/31 on 3-10-1932, as shown below.

under interest - "XX Interest - Provincial - deduct refund

604-7-5 under Principal - "Loans and advances by Provincial Government - advances to cultivators Loans under L I L & Agricultural Acts"

631-4-0 Total.

As the sale was cancelled by the District Judge, Bellary, the Official Receiver, Bellary requests that the sum of Rs. 631-4-0 may be refunded to him. A copy of his O.R. No. 90 dated 10-2-1938 is enclosed. I request that the Board be pleased to sanction the refund of the above sum to the Official Receiver.

P.S. 5/4.

For Collector.

Copy

Copy of letter O.R. No. 90 dated 10-2-1938 from the Official Receiver, Bellary, to the Collector, Bellary.

Insolvency No. 13 of 1927 Estate of Kappagal Yeerappa

A petition by the Government under Section 68 of the Provincial Insolvency Act was filed in I.A. 669 of 32 to set aside the sale held by the Official Receiver, Bellary at Kuppagal and Sirivaram on 10-10-31, of lands at Kuppagal and Sirivaram under Security to Government for a Takkavi Loan but the sale of [illegible] and with the permission of the Collector, Bellary, been held free of that encumbrance.

The said petition was finally allowed on 24-11-37, by the District Judge, Bellary, and the sale was set aside.

In the circumstances you are requested to refund the sum of Rs. 631-4-0 paid to you by cross-cheque, on 24-8-32.

The lands will now be sold subject to Takkavi loan and the matter will be intimated to you.

A. S. (Sett)

C.F.16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	30/4	
When copied ..		
When examined ..		
When signed ..		
When despatched.		

SUBJECT :— Advances. Loans (Bellary). Bellary Tq. Kampagal Bathapa Forfeiture. Sale of properties by official Receiver. Set aside

READ AGAIN 2-MAY 1938 MW, dated Report of the Collr. Bellary 19 Refusal of sale forwarded

" " " " 19.

READ *ALSO* :—

No. From the No., dated 19

" Collr of Bellary Ref 4809-36, A1 dt 4-5-38 forg

" " " " 19.

Order / Resolution — Ms. / Rout. No. , dated Ref F 1700-38-1 dt 8 19 29.4.38

Why is there a certified copy of the order required?

MW 10-1

The Collr is requested to send a copy of the order passed by the Judge, Bellary in the interlocutory application referred to in the report filed by him in the above case.

28/4/38 28/4/38

To the Collr Bellary

DS. (Sett)

To AS.

Ob. See Asst Secretary's query in the margin. A copy of the interlocutory order has been sent

12

4

~~to be called for to understand the grounds on which the~~

~~Dr. Judge set aside the sale + to see if there~~
~~was any official Receiver to whom refund by~~ Rs 631/4 is reasonable
~~The Collector would have applied for a certified~~

~~Copy of the order of the Court should~~
~~be called for.~~ Communicate

~~Mr. Ramachandra Iyer. Mr. Venkatesan~~
~~J. W.S.~~

~~Thangavelu Pillai to get this certified~~

Copy for reference and return

J. de
12.5.38

C.F. 32 (a).

F3

Revenue DEPARTMENT.

In reply, please quote number, date and short title.*

Received *Registered* F3036

From (Name) J.W. Pritchard Esq., I.C.S.,

(Designation) Collector

POST BOX ..... , (STATION) Bellary

Telegraphic Address .....

To

Rec'd on 2/7/38

The Secretary to the Board of Revenue,

Madras.

2/7/38

Ref.C. *No*4809/36 A-1, *dated* 26th June *193* 8

Sir,

ENCLOSURES one

Advances - Loans - Bellary taluk - Kappagal Erappa - Insolvency - sale of properties by Official Receiver - set aside by the District Judge, Bellary - Refund of sale proceeds.

SPARE COPIES

Ref: Board's Ref. F. No. 1700/38-1 dated 29-4-38.

Rpd-4/6

F67-126 I submit herewith the certified copy of the order passed by the District Judge, Bellary, on the interlocutory application filed by Government for reference and return.

28.6.38

For Collector.

P.S. 29/6. 29/6

7 O/C

Copy of the Order of the District Judge.

****

In the Court of the District Judge of Bellary.

Present : E.G. Barter Esq., I.C.S., District Judge.

Wednesday the 24th day of November 1937.

Interlocutory application No.669 of 1932.

Insolvency petition No.13 of 1927.

In the matter of the Insolvency of Kappagal Veerappa.

Between :-

The Secretary of State for India in Council represented by the Collr. of Bellary ---- Petitioner.

- and -

1. Kappagal Ediga Erappa
2. Kappagal Ediga Sunkappa
3. Kappagal Ediga Seshamma
4. Bellary Arle Muddappa
5. Official Receiver, Bellary ---- Counter-petitioners

Petition dated 3rd December 1932, under section 68 of the Provincial Insolvency Act for setting asi a sale of the properties mentioned in the schedule to the petition held by the Official Receiver and for ordering a resale etc.

Revised Order :- This petition coming on for hearing on 19-10-1937 and 18-11-1937 after restoration to file as per remand order of the High Court in A.A.O. No. 195 of 1934 dated 21-9-1936: Upon hearing the petition, the

counter the report of the Official Receiver and the entire records connected therewith and upon hearing the arguments of Mr. S. Anjaneyulu, Government Pleader for the petitioner and Mr. D.L. Chetty Advocate for the 3rd counter-petitioner the 5th counter-petitioner appearing in person and the ›ther counter-petitioners not appearing either in person ›r by Vakil and having stood over to this day for conside-ration this court in allowing the petition doth order and lirect that the sale of the properties mentioned in the ›chedule attached to the petition and described hereunder ıeld by the Official Receiver on 10-10-1931 be and the same ıereby is set aside and a resale ofthe same ordered. This ›ourt doth further order and direct that the counter peti-›ioners 1 to 4 do pay Rs.31-0-0 and Rs.82-8-0 to the peti-›ioner for his costs both in this petition and in appeal ıgainst order No. 195 of 1934 on the file of the High Court ›f Judicature at Madras dated 21-9-1936, respectively.

Schedule.

Village.	S.No.	A. C.
1. Kappagal	61 A	0- 66
2. ,,	61 B	7- 39
3. ,,	120 L	18- 05
4. ,,	404 A	4- 08
5. ,,	124 C	30- 53
6. ,,	243 J	15- 64
7. Sirivaran.	263 A	13- 62

Costs

Costs.

Before remand.

Petitioner's costs.	1st counter Petitioner's costs.	3rd counter Petitioner's costs.
	Rs.	Rs.
Stamp on petition	1- 0-0	Not certified 0-12-0
Vakil's fee	15- 0-0	7- 8-0
Process fee	. . . . .	11-12-0
Subsistence allowance for witnesses.	. . . . .	30-12-0
Stamp on vakalatnama	. . . . .	1- 0-0
Total	16- 0-0	51-12-0

After remand.

Vakil's fee	15- 0-0	15- 0- 0
Process fee	. . . . .	2- 8- 0
Subsistence allowance for witnesses	. . . . .	1- 8- 0
Stamp on petition	. . . . .	0-12- 0
Total	15- 0-0	19-12- 0

Costs as per A.A.O. No. 915/34, High Court, Madras.

82- 8-0 53-12-0

Given under my hand and the seal of the Court this 24th day of November 1937.

(Sd) E.J. Barter,

District Judge.

~~25~~ 11

DRAFT FOR APPROVAL. [C. A. H] C.F. 1a

	Date.	Initials.
When received for fair copying ..	21-7	SB
When copied ..		
When examined..	22-7	as. RS.
When signed	26.7	
When despatched.		

SUBJECT :— Advances. Loans. (Bellary) Bellary Taluk. Hatpagal Erappa. Insolvency. Sale of properties by the Official Receiver. Set aside. Refund of sale proceeds. Sanctioned. Further instructions issued.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO* :—

No. _____ From the Collr, Bellary Ref. 4809/36. A1 dt 4. H. 38. — 10 c.f.

" _____ Ref. F 1700-38-1 dt 29. 4. 38. " _____ 19____. 34.

" _____ " Collr Bellary Rfc. 4809/36 A1 " 26. 6. 1938 — 28 cf

~~Order~~ Resolution ~~Rout.~~ (Ms.) No. 2013, dated 21. 7. 1938.

The Board sanctions the refund of the purchase money of Rs 631-4-0 to the Official Receiver, Bellary.

2. The order is requested to inform the Official Receiver of the exact amount due by Appt under the loans so that it may be specified in the sale notices and to see that the date of sale is ascertained from the Official Receiver in time and communicated to the Taluk prompt Office with instructions to give due publicity and gather bidders. He is also requested to see that all necessary

force
21/7/38

precautions are taken against a recurrence of collusion and fraud.

M2.

FS

A.S(Sell).

Note Sale.

Advances - Loans - (Bellary) - Bellary Tq Kappagal Irappa - Insolvency - Sale of properties by the Official receiver - Set aside - Refund of Sale proceeds - Sanction.

F 1700/38 Pp 1-2 Cf

Ref F. 1700 - 38 - 1 Dt 29.4.38 Pp 3 Cf

F 308/38 Pp 8 Cf

To A.S

Please see the letter from the Collector of Bellary at Pp 1-2 Cf, the Board's Ref Dt 29.4.38 and a Copy of the order passed by the Dt. Judge Bellary at Pp 7-11 C.f. For the previous facts of the case, Please see Pp 1-6 Cf, 17-20 C-f the notes at Pp 1-3 N. f of BP Mis 3605 Dt 6.12.32 at (A).

2. The District Judge, Bellary has delivered orders on the interlocutory application filed by the Govt setting aside the sale of lands by the Official Receiver and a resale of the Pp Mentioned lands has been ordered. The Official Receiver now requests that the Sum of Rs 681-4-0 paid by him towards the loan arrears out of the sale proceeds may be refunded to him as the sale has been set aside. The Collr recommends the sanction of the refund. As the sale has been set aside the amount paid by the Official Receiver

has to be refunded. The Board may authorise the refund of the amount.

DLW 9/7/38. This may be appd, as the Official Receiver has to pay back the money to the purchasers.

M 11.7.38. The Cclr may be asked to inform the Official Receiver of the exact amount due to Govt under the loans so that it may be specified in the sale notices and to see that the date of sale is ascertained from the Official Receiver in time and communicated to the Sales promptly with instructions to give due publicity and gather bidders and that all necessary precautions are taken against a recurrence of collusion and fraud.

HAB

J.S

Joint e.s. 18 JUL 1938

A.S(Sell)

Draft Sanction

HAB 20/7

LD 18.7.38

M 19.7.38

(A.S. Sett.)

CIRCULATION CHECK SLIP.

B.P. No. Hes 2013

Dated 21.7.38.

Single Member

Two Members

Full Board.

	1.A.	A.D.S- & L.R.,	A.S. L.R.,	A.S. Sett.	A.S. Sep. Rev.,	J.S.	Secy.	M.3.	M.2.	M.1
(1) Open file seen by				✓	✓			✓		
(2) Final draft seen by				✓						
(3) Now circulated to										
(4) Initials.										

Passed for record.

~~A.S. (L.R.,)~~

A.S. (Sett.,) has

A.S. (Sep. Rev.,) 29/7/38

A.D.S & L.R.,

~~I.A.~~

**Secretary
Joint Secretary

** Note - Entries not required to be scored out.

R/NA